

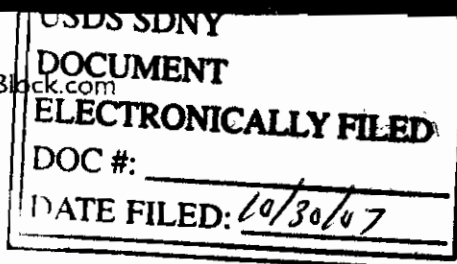
MEMO ENDORSED

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October 29, 2007

VIA FAX (212) 805-7949

Hon. P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street, Room 2260
New York, NY 10007

Re: *Bank of New York v. First Magnus Capital, Inc.*
and Thomas W. Sullivan, Sr.
Civ. Action No. 07 Cv 8255 (PKC)

Dear Judge Castel:

We represent plaintiff The Bank of New York Trust Company, N.A., but we write on behalf of counsel for defendant First Magnus Capital, Inc. as well.

By Order dated September 27, 2007, the Court scheduled an initial pretrial conference in the above action for November 2, 2007 at 11:45 a.m.

Defendant Thomas W. Sullivan, Sr. disputes service of process and has not yet appeared. We have been in communication with his attorney and hope to file a stipulation within the next week setting forth an agreement as to service as well as expedited discovery.

In order to avoid confusion and duplication of effort, we and counsel for defendant First Magnus Capital, Inc. hereby jointly request an adjournment of the initial pretrial conference for two weeks, to November 16, 2007.

Respectfully,

Kenneth G. Roberts

For WOLF, BLOCK, SCHORR and SOLIS-COHEN LLP

cc (by email): Christopher H. Bayley, Esq.

Boston, MA ■ Cherry Hill, NJ ■ Harrisburg, PA ■ New York, NY ■ Norristown, PA ■ Philadelphia, PA ■ Roseland, NJ ■ Wilmington, DE

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Wolf, Block, Schorr and Solis-Cohen LLP, a Pennsylvania Limited Liability Partnership

NYC:748096.1

*Initial conference
adjourned for
November 2 at 11:00 a.m.
November 16, 2007
SO ORDERED
[Signature]
USDT
10-30-07*